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C O N F I D E N T I A L SECTION 01 OF 04 KATHMANDU 001099

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TAGS: [PREL](#) [PGOV](#) [PTER](#) [PHUM](#) [UN](#) [NP](#)

SUBJECT: OHCHR FAILING TO REPORT ON MAOIST HUMAN RIGHTS VIOLATIONS

REF: A. KATHMANDU 1059

[1](#)B. KATHMANDU 689

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

[1](#)1. (C) On May 31 Lena Sundh, head of the Office of the High Commissioner for Human Rights (OHCHR) in Nepal, defended her recent newspaper interview in which she slammed the failure by the Government of Nepal (GON) to implement its human rights commitments while saying nothing about Maoist abuses. Sundh told visiting Assistant Secretary of State for Democracy, Human Rights, and Labor Barry Lowenkron and the Ambassador that it was "difficult" to characterize and identify the various Maoist groups and she was loath to contrast the Maoists with the GON. She reiterated her commitment to release a long-promised OHCHR report on Young Communist League activities. A/S Lowenkron and the Ambassador expressed concern to the gathered group of senior UN officials and diplomats that the international community would fail Nepal if it kept quiet in the face of continued peace agreement violations. All the participants expressed concern that the peace process was adrift. Most questioned whether the Maoists genuinely sought to participate in a multi-party democracy or were seeking state domination through other means. Sundh, however, claimed that the Maoist agenda was similar to that of the European social democratic parties of the 1970s and that security conditions had improved in the countryside since the Maoists joined the interim government.

Sundh Defends Kathmandu Post Interview

[1](#)2. (C) OHCHR Head Lena Sundh, UNMIN Chief Ian Martin, Danish Ambassador Finn Thilsted, and Finnish Charge d'Affairs Lisa Kyostila attended a May 31 luncheon hosted by the Ambassador in honor of Assistant Secretary Lowenkron. The Ambassador began the conversation by challenging as irresponsible a recent interview Sundh had given to a leading English-language daily. In the interview, she had highlighted the failure of the GON to implement its human rights commitments and said absolutely nothing about Maoist

abuses, particularly by the Young Communist League (YCL), continuing across the country. The Ambassador implored Sundh to consider what message this interview, by the leader of the largest human rights monitoring effort in Nepal, would send to the Nepali people. How could any group, the Ambassador questioned, feel comfortable reporting Maoist human rights violations to OHCHR when OHCHR had seemingly sequestered itself from public criticism of ongoing Maoist abuses. Sundh responded that she did not want to go "down the road of comparing the Maoists with the GON" and said that she had known the Ambassador would be upset because of the lack of mention of Maoist abuses during the interview.

OHCHR "Looking Into" Attack on Ambassador's Vehicle

¶3. (C) Sundh said OHCHR was "looking into" the May 25 attack on the Ambassador's vehicle in Jhapa District (Ref A). (Note: As the UNHCR vehicle approached the UNHCR office gate carrying the Ambassador, UNHCR Nepal Chief Abraham Abraham, and Emboff, roughly two dozen youth threw large stones. They also shouted anti-American slogans and "Death to Moriarty." No one was injured. The journalists present identified the attackers as YCL cadre. End Note.) The Ambassador told Sundh that the incident represented another example of unhindered YCL violence, particularly troubling since it targeted foreign diplomats. Sundh said OHCHR field officers reported that, out of the four attackers who had been arrested, two were "Maoists" and two were "Maoist sympathizers." Noting that these individuals did not appear to be YCL cadre, Sundh lamented how "difficult" it was to characterize and identify the various Maoists groups. The

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Ambassador pointed out that individual Maoists wore many different hats, serving as YCL members one day and members of various other front organizations the next.

YCL Report..."Coming"

¶4. (C) Sundh also reported that determining which "hat" Maoists or Maoist associate groups wore was making it "very sensitive" to finish and release a long-promised OHCHR report on YCL activities (Ref B). Sundh said she had brought a draft of the report with her to show the Ambassador to reassure him that she was committed to publishing it before her tenure as OHCHR head ended at the end of June. The Ambassador beseeched Sundh to recognize that it did not matter which "hat" Maoists, Maoist affiliates, or the YCL wore: it was irresponsible for OHCHR to fail to report on widespread human rights abuses being inflicted by Maoists across the country.

International Community to Bear Witness

¶5. (C) The Ambassador expressed concern that the international community would fail Nepal if it were to stand quiet in the face of continued Maoist abuses and violations of peace process commitments. The Ambassador stressed the important responsibility the international community had to the Nepali people as external witnesses to their transition to peace and democracy. While the decisions that would set the course for Nepal's future lay squarely in the hands of Nepal's leaders, the international community had a key role to play in holding the parties accountable for their actions.

Where are the Monitors?

¶6. (C) UNMIN Chief Martin opined that one reason why no one was speaking out about violations of peace commitments was the parties' failure to set up monitoring mechanisms delineated in the November peace agreements. The National Monitoring Coordination Committee (NMCC) was dissolved

following the signing of the Comprehensive Peace Agreement, but no high-level monitoring body had been established in its place. The National Human Rights Commission meanwhile had languished because of political wrangling over nominations of commissioners. Martin said he had been urging the GON to re-energize monitoring efforts but had not received much response. He lamented that the parties had not demanded an UNMIN role in monitoring and so it was not properly staffed to fulfill that function. This left OHCHR and domestic human rights groups with the daunting task.

Peace Process Adrift

17. (C) All the participants agreed that the peace process was adrift; the parties were focused on their own interests at the expense of moving the process forward. Martin bemoaned the growing complexity of negotiations. It was hard enough with two sides - the Maoists and the Seven Party Alliance - now with the agitating marginalized groups in Nepal's southern Terai, there was a third group. The Danish Ambassador pointed to the lack of vision by political party leadership on a way forward, and therefore their preference to do nothing. With civil society increasingly politicized, he said, there was also no one to serve in a watchdog role. All agreed that an election date had to be set to put pressure on the parties to complete necessary pre-election tasks and to re-energize the peace process. (Note: It was announced later on May 31 that the parties had agreed to hold the election before mid-November. End note.)

Determining the Maoist Endgame

18. (C) A/S Lowenkron asked the group if the Maoists were

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pursuing their vision and ideology (total control of the state) by other means (multi-party democracy) or whether their participation in the peace process really represented a change in their behavior. Martin answered that it was important to look at internal party strategizing and the decisions taken at Maoist Central Committee meetings over the past years. He referred to the party schism that developed in 2003/2004 between Maoist leader Pushpa Dahal (aka Prachanda) and Maoist second-in-command Baburam Bhattarai over tactics to move the Maoist agenda forward. Bhattarai believed then that multi-party democracy represented the best option for pursuing Maoist aims while Prachanda and other party members rejected this route as pollution of the purist Maoist revolutionary agenda. The Ambassador interjected that the King, in the end, had enabled negotiation between the Maoists and the political parties. The Maoists, as agile strategists, had recognized that, through a loose association with the parties, they could defeat the King. The internal Maoist party debate, the Ambassador worried, was really one of hardliner versus more hardliner; internal discussions fundamentally reflected a tactical debate over the best routes to control the state, as opposed to discussion of whether to become a mainstream political party.

Land Reform on Maoist Agenda

19. (C) Sundh commented that, in her early discussions with the Maoists prior to her arrival as OHCHR chief, she had perceived the Maoist ideology to be similar to the European social democratic parties of the 1970s. She highlighted the Maoists' land reform agenda as a legitimate and concrete issue that needed attention. The Ambassador agreed that land reform was crucial, but that the Maoist approach, which included seizing land for Maoist party and People's Liberation Army members, did not represent a democratic way forward. UNMIN Chief Martin raised the lack of attention the peace agreement paid to restoring local governance arrangements, which would be crucial for ensuring legitimate

procedures for land return.

Maoists Will Have to Deliver; GON, Too

110. (C) Sundh said the Maoists leaders were beginning to face opposition among their own rank-and-file, many of whom felt their leadership had not delivered on its promises. The Danish Ambassador highlighted that, if Maoist cadre began to feel their leaders had become too bourgeois, reaping monetary and lifestyle benefits from their participation in a multi-party democracy and losing their revolutionary fervor, further splintering of the party and emergence of alternative leaders were likely to occur. Sundh and the Danish Ambassador also emphasized that the GON was not living up to its peace process commitments and had not restored public confidence in state institutions.

OHCHR Says Security Conditions Have Improved

111. (C) Sundh stated that OHCHR believed that security conditions in Nepal had improved since the Maoists entered the Interim Government. Sundh said, for example, 20 of 22 internally displaced person (IDP) issues had been solved in far western Kalikot district and that the Maoists had shut down a Maoist labor factory in eastern Nepal. The Ambassador challenged Sundh's rosy picture, referring to the spike in YCL activity and reporting he had received of continuing violence, intimidation, and extortion countrywide by the Maoists.

UNMIN's Mandate Limited

112. (C) A/S Lowenkron asked the UNMIN Chief how the U.S. could continue its support for UNMIN efforts in Nepal and whether an extension of UNMIN's one-year mandate (which began

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in January 2007) would be necessary. Martin told A/S Lowenkron that a possible extension was awaiting the announcement of an election date. The arms management timeline, Martin said, was more ambiguous. Martin stressed that India's, and to a lesser extent China's, policy was to limit the scope of the UN's mandate in Nepal, and he was not clear how they would react to an extension request.

Comment

113. (C) We are deeply troubled that the Office of the High Commissioner for Human Rights in Nepal (OHCHR) continues to shy away from reporting on daily violence, intimidation, recruitment, and extortion committed by the Maoists under whatever guise. We fear it is failing in its important mission as a neutral monitor and champion of human rights protection. And not us alone: The German Ambassador has spoken frankly about OHCHR's failure to hold the Maoists accountable. We recognize that the Government of Nepal (GON), as the official guarantor of citizen rights, must be held accountable for human rights protection and past security force abuses must be punished. That said, ignoring the ongoing human rights abuses against Nepali citizens by the Young Communist League and related Maoist groups is grossly irresponsible. This is particularly true as the Maoists have now entered the interim government. Without both a monitoring body tasked to ensure parties' adherence to peace agreement commitments and a fully empowered National Human Rights Commission, OHCHR's role in addressing the deteriorating human rights situation in Nepal is even more crucial.

MORIARTY